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February 10, 1997 LB 68

SENATOR CHAMBERS: Yes.

SENATOR KRISTENSEN: They are not bound by it?

SENATOR CHAMBERS: Right.

SENATOR KRISTENSEN: I could quote to them any case, though, that is precedent and they're probably not bound by it, they are going to make up their own decision anyway, that becomes the basis for an appeal. I assume that the real rule is that the Supreme Court says you are not going to tell me what the law is based on what the Court of Appeals says.

SENATOR CHAMBERS: Yes.

SENATOR KRISTENSEN: And so the real rub here is between the Supreme Court and the Court of Appeals over who is going to determine what the law in the state of Nebraska is.

SENATOR CHAMBERS: Yes.

SENATOR KRISTENSEN: Because what I'm talking about, and I think several other speakers this morning talked about, we are looking at it from litigants point of view and citizens of point of view, they need to know what the law is, and that they have got to be able to realize that these decisions mean something in the Court of Appeals, more than just I heard a case was ruled on last week sort of syndrome.

SENATOR CHAMBERS: Senator Kristensen, wishing that and hoping for it is not the same as the Legislature being, in the manner Senator Lindsay tried, being able to overrule the Supreme Court. The Supreme Court has said that these appellate court decisions are not precedential. The Legislature feels, or at least some members do, that that decision has effectively been overruled by the language currently in the law, and I'd say I don't believe it.

SENATOR KRISTENSEN: And so this morning the conflict we've got is, one, can we tell the Supreme Court what precedent is?